

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 4, 2007

**D050500 Daniel R. et al. v. Superior Court of San Diego County/San Diego County  
Health and Human Services Agency**

The petitions are denied. McConnell, P.J.; We Concur: Nares, J., Irion, J.

**D050142 People v. Alvarado**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D048337 Shanoski v. Neiman**

The order denying Defendant's petition to compel arbitration is affirmed and the case is remanded for further proceedings to vacate the stay and to clarify the status of the answer, consistent with the views expressed in this opinion. Costs are awarded to Plaintiff. Huffman, Acting P.J.; We Concur: McDonald, J., Irion, J.

**D049929 People v. Pritchett, Jr.**

The trial court's order denying the petition for writ of coram nobis is affirmed. Irion, J.; We Concur: McConnell, P.J., Nares, J.

**D049957 In re Daryl C. Jr., a Juvenile**

The orders are affirmed. McConnell, P.J.; We Concur: Huffman, J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 5, 2007

**D048005      People v. Montesinos**

The judgment is modified to strike the restitution award in the amount of \$10,000 for the missing wedding ring set. As modified, the judgment is affirmed. Nares, Acting P.J.;  
We Concur: Haller, J., Irion, J.

**D050496      In re Consiglio on Habeas Corpus**

The petition is denied.

**D049814      People v. Bjorstrom**

The judgment is affirmed. Benke, Acting P.J., We Concur: McDonald, J., Aaron, J.

**D049103      People v. Ballard**

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Aaron, J.

**D050469      Khalil v. San Bernardino County Employees' Retirement Association**

The judgment is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., McDonald, J.

**D050378      In re Bacon on Habeas Corpus**

The petition is denied.

**D050969      San Diego County Health and Human Services Agency v. Superior Court of  
San Diego County/Jessie O. et al.**

The petition is denied.

**D050490      In re Holmon on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 6, 2007

**D049075      In re Marriage of B.**

The judgment is affirmed. Aaron, J.; We Concur: McConnell, P.J., Huffman, J.

**D050627      Essakow v. Superior Court of San Diego County/Honarkar**

The petition is denied.

**D048047      Panther v. Micheli**

The petition for rehearing is denied.

**D048901      Poway Unified School District v. Stewart**

The judgment is affirmed. The District is entitled to costs on appeal. McConnell, P.J.;  
We Concur: Benke, J., McIntyre, J.

**D042779      People v. Croteau**

The judgment is reversed as to the sentence on count 1 and the parole restitution fine, and the matter is remanded for resentencing in a manner consistent with the views expressed in this opinion. In all other respects, the judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Haller, J.

**D048132      Seapoint Properties, LLC v. Henrich**

The judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., Irion, J.

**D050929      Dresick Farms Inc., et al. v. Superior Court of Imperial County/Gonzalez**

The petition is denied.

**D049541      In re Robert S., a Juvenile**

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 7, 2007

**D048515      In re Marriage of Ross**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McDonald, J., Irion, J.

**D049015      People v. Houston**

The judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., Aaron, J.

**D048404      Loggins v. Kaiser Permanente International et al.**

Order certifying the opinion for publication.

**D046853      People v. Hunter**

The judgment is affirmed in part and reversed in part. The matter is remanded and the trial court instructed to amend the abstract of judgment to reflect that the fine imposed under Penal Code section 1202.45 shall be for \$1200.00, and forward the amended abstract to the Department of Corrections and Rehabilitation. The judgment is otherwise affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Nares, J.

**D047848      People v. Gutierrez**

The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., Irion, J.

**D047878      People v. Trotter**

The judgment is reversed and the matter remanded with directions that the trial court grant Trotter's motion to withdraw his guilty plea. O'Rourke, J.; I Concur: Huffman, Acting P.J.; Concurring: (Opinion) Aaron, J.

**D048038      San Diego County Employees Retirement Association v. County of San Diego/Hickey et al.**

Judgment reversed. The superior court is ordered to vacate the summary judgment granted to Retirement Association and interveners Robert Hickey and Glenn Still, and directed to enter summary judgment in favor of County. County to recover costs on appeal. CERTIFIED FOR PUBLICATION Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

**D049907      In re L.A. et al., Juveniles**

The orders are affirmed. Aaron, J.; We Concur: O'Rourke, Acting P.J., Irion, J.

**D050017      People v. Morris III**

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Nares, J.

**D049796      Roddy v. Superior Court of San Diego County/Brown et al.**

The opinion filed May 16, 2007, is ordered certified for publication. The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 7, 2007 (Continued)

**D049605      People v. Ibarra**

The opinion filed May 17, 2007, is ordered certified for publication.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 8, 2007

**D050512      West Corporation et al. v. Superior Court of San Diego County/Berryman et al.**

The petition is denied.

**D050654      Alicia W. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency.**

The attorney for petitioner Alicia W. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D050653      James K. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency.**

The attorney for petitioner James K. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D048081      People v. Childers**

The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., Aaron, J.

**D048422      People v. Furgate**

Judgment affirmed. Benke, J.; We Concur: McConnell, P.J., Haller, J.

**D050744      Stone Plastics v. Superior Court of San Diego County/Nemo's Bakery, Inc.**

The petition is denied.

**D048156      Canova v. Trustees of Imperial Irrigation District**

The opinion filed May 22, 2007, is modified [no change in judgment]. The petitions for rehearing are denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 11, 2007

**D050949        People v. Saldarriaga**

The petition for transfer filed May 25, 2007, is denied.

**D050958        Kirk v. Stockton**

The petition for transfer filed May 29, 2007, is denied.

**D049698        In re Ruby Q., a Juvenile**

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., Aaron, J.

**D050968        Stockton et al. v. Superior Court of San Diego County/Kirk**

The petition is denied.

**D047879        People v. Oropeza**

The petition for rehearing is denied.

**D047679        People v. Johnson**

It is ordered that the opinion filed May 24, 2007, is modified. The petition for rehearing is denied. [The judgment is reversed as to the true finding that the battery with serious injury in San Diego County Superior Court case No. ECR7455 was a prior strike conviction or a prior serious felony conviction. The indeterminate term is vacated and the cause is remanded for resentencing. In all other respects, the judgment is affirmed].

**D050973        Lopez v. Superior Court of San Diego County/People**

The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron  
Clerk: D. Moore

**D048448        Gaffney v. Gaffney**

Cause called on merits. Sondra Sue Sutherland, Esq. argued for appellant. Judith E. Klein, Esq. argued for respondent. Ms. Sutherland replied. Cause submitted.

**D048026        Hidden Valley Ranch et al. v. Ramona Municipal Water District**

Cause called on merits. Charles L. Deem, Esq. argued for appellant. Melissa Wing Woo, Esq. argued for respondent. Mr. Deem replied. Cause submitted.

**D047934        White v. Osborn**

Cause called on merits. James J. Moneer, Esq. argued for appellant. Richard McCarthy, Esq. argued for respondent. Mr. Moneer replied. Cause submitted.

Court recessed at 10:13 a.m. until 1:30 p.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 11, 2007 (Continued)

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Richard Huffman

**D048297        Haley et al. v. Casa Del Rey Homeowners Association et al.**

Cause called on merits. D. Amy Akiyama, Esq. argued for respondent, Casa Del Rey Homeowners Association. Douglas D. Guy, Esq. argued for respondent, Bargamian. Patricia Ann Gregory, Esq. argued for appellant. Cause submitted.

Court recessed at 1:55 p.m. until Tuesday, June 12, 2007 at 9:00 a.m.

**D051028        Lusardi Construction Co. v. Superior Court of San Diego County/Randazzo Inc., et al.**

The petition is denied.

**D048156        Canova v. Trustees of Imperial Irrigation District**

The opinion filed May 22, 2007, is modified [no change in judgment].

**D050103        In re Wolfgang S., a Juvenile**

The judgment terminating parental rights is reversed and the matter is remanded to the juvenile court, with directions to order the Agency to give notice in compliance with the notice provisions of ICWA. The juvenile court is further directed to order the Agency to give notice in accordance with current case law to the BIA; the Cherokee Nation, Oklahoma; the Eastern Band of Cherokee Indians of North Carolina; and the United Keetoowah Band of Cherokee Indians in Oklahoma. If, after proper ICWA notice is given and received it is determined Wolfgang is an Indian child, the juvenile court shall proceed in conformity with all provisions of ICWA. If, after notice is given and received Wolfgang is determined not to be an Indian child for purposes of ICWA, the juvenile court shall reinstate the findings and orders of December 8, 2006. The remittitur is to issue forthwith. McDonald, J.; We Concur: McConnell, P.J., Aaron, J.



COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 12, 2007

**D048546      People v. Spencer**

Judgment affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Aaron, J.

**D050502      In re Rodriguez on Habeas Corpus**

The petition is denied.

**D050497      In re Swinton on Habeas Corpus**

The petition is denied.

**D049153      People v. Buzby**

The order that Buzby pay the San Diego Police Department 1,366 victim restitution is stricken and the trial court shall so advise the Department of Corrections. The judgment is otherwise affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

**D050822      Olivia J. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Olivia J. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D050750      Suam V. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Suam V. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

**D049666      People v. Embry**

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Haller, J.

**D050205      In re J. M., a Juvenile**

The order is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 12, 2007 (Continued)

**D049641      Kopstein v. Sojar et al.**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

Court convened at 9:00 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion  
Clerk: D. Moore

**D048151      Park Row Community Association, et al. v. Shirk**

Cause called on merits. Bonnie E. Kane, Esq. argued for appellant. William Budd, Esq. argued for respondent. Ms. Kane replied. Cause submitted.

Court recessed at 9:41 a.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion

**D049081      McKinley v. Contursi**

**D049083      Contursi v. McKinley**

Cause called on merits. Corwin Anthony Contursi, argued for appellant in pro per. No appearance was made on behalf of respondent. Cause submitted.

Court recessed at 10 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Joan Irion  
Clerk: D Moore

**D048103      McGarry v. University of San Diego, et al.**

Cause called on merits. Gregory D. Roper, Esq. argued for respondent, University of San Diego. Guylyn R. Cummins, Esq. argued for amicus curiae respondent, Copley Press, Inc. Robert N. Hocker, Esq. argued for appellant. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 12, 2007 (Continued)

**D048879      Valenzuela v. City of San Diego**

Cause called on merits. Thomas Tosdal, Esq. argued for appellant. Jon E. Taylor, Esq. was present in oral argument for respondent, City, but did not argue. Christopher D. Shurland, Esq. argued for respondent, City. Mr. Tosdal replied. Cause submitted.

Court recessed at 2:45 p.m. until Wednesday, June 13, 2007 at 9:00 a.m.

**D050347      People v. Lazos**

The petition for a writ of supersedeas is GRANTED. The superior court orders dated December 27, 2006, and May 4, 2007, in SCD192563 are STAYED pending disposition of the appeal or further order of this court.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 13, 2007

**D048716      People v. Miller**

The order is affirmed. Huffman, Acting P.J.; I Concur: O'Rourke, J.; I Concur (with opinion): McDonald, J.

**D050519      In re Perez on Habeas Corpus**

The petition is denied.

**D049716      People v. Cortez**

**D050592      People v. Fausto**

Respondent's unopposed motion to consolidate appeals D049716 and D050592, is GRANTED. All documents will be filed under D049716.

**D048104      People v. Aguirre**

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., McIntyre, J.

**D048250      People v. Martinez**

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Benke, J.

**D050334      Esquer et al., v. Louie et al.**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal Rules of Court, rule 8.244(c)(2)). Each party to bear own costs on appeal.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Richard Huffman and James McIntyre  
Clerk: D. Moore

**D049294      Furey v. Blockbuster, Inc.**

Cause called on merits. Kirk D. Hanson, Esq. argued for appellant. Michael S. Kalt, Esq. argued for respondent. Mr. Hanson replied. Cause submitted.

**D048582      Patel v. Morris Liebermensch et al.**

Cause called on merits. Lee Randy Goldberg, Esq. argued for appellant. James C. Mitchell, Esq. argued for respondent. Mr. Goldberg replied. Cause submitted.

Court recessed at 9:55 a.m. to change panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and James McIntyre

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 13, 2007 (Continued)

**D049111      Torres et al. v. City of San Diego**

Cause called on merits. Robert D. Rose, Esq. argued for respondent. Joe B. Cordileone, Deputy City Attorney argued for appellant. Mr. Rose replied Cause submitted.

**D049003      Jacob Shaw Incorporated v. City of San Diego Neighborhood Code Compliance**

Cause called on merits. Richard Leo Fahey, Esq. argued for appellant. Bonny Hsu, Esq. argued for respondent. Mr. Fahey replied. Cause submitted.

Court recessed at 11:00 a.m. to change panel members. New panel members: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and James McIntyre

**D047058      Helleis v. 350 W.A. LLC**

Cause called on merits. Jan K. Buddingh, Esq. argued for appellant. Edward I. Silverman, Esq. argued for respondent. Mr. Buddingh replied. Cause submitted.

Court recessed at 11:39 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and James McIntyre

Clerk: D. Moore

**D048562      Peik et al. v. Kawesch et al.**

Cause called on merits. Duane Albert Admire, Esq. argued for appellant. Gabriel M. Benrubi, Esq. argued for respondent. Mr. Admire replied. Cause submitted.

**D049051      Valenzuela v. California State Personnel Board et al.**

Cause called on merits. No appearance by Attorney Jennings. Sonia E. Garcia, Esq. argued for respondent. Cause submitted.

Court recessed at 2:00 p.m. until Thursday, June 14, 2007 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 13, 2007 (Continued)

**D050758      Stephanie F. et al. v. Superior Court of San Diego County/San Diego County  
Health and Human Services Agency**

The attorney for petitioner Stephanie F. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review.

No timely petition for writ relief has been filed for petitioner Josue C. The notice of intent as to Josue C. is deemed to be abandoned.

The case is DISMISSED.

**D050515      Eugene W. et al. v. Superior Court of San Diego County/San Diego County  
Health and Human Services Agency**

No timely amended petition for writ relief has been filed by Carlos F. in accordance with this court's order of May 25, 2007. His notice of intent is deemed to be abandoned. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 14, 2007

**D049672      Conservatorship of the Person Christopher A.**

The appeal is dismissed. McConnell, P.J.; We Concur: Huffman, J., McIntyre, J.

**D049427      Allstate Insurance Company v. Superior Court of San Diego County/Delanzo**

Petition for writ of mandate granted. This court issues a writ of mandate directing the superior court to vacate its order overruling Allstate's demurrer and enter a new order sustaining the demurrer. The parties to bear their own costs in the writ proceeding. The stay issued on November 3, 2006 is vacated. CERTIFIED FOR PUBLICATION  
Haller, J.; I Concur: McDonald, J. Dissenting: Nares, Acting P.J. (Opinion)

**D048281      Jones v. R.J. Donovan Correctional Facility et al.**

The judgment is affirmed. Respondents are awarded their costs on appeal. O'Rourke, J.; We Concur: Huffman, Acting P.J., McDonald, J.

**D048692      People v. McNeely**

The judgment is vacated and the case is remanded to the trial court to set a hearing under Code of Civil Procedure section 237, subdivisions (c) and (d), to determine whether the jurors' addresses and telephone numbers should be released to McNeely's counsel. If, after the hearing, the information is not disclosed, the judgment shall be reinstated. If the information is disclosed to McNeely's counsel, the trial court shall set a briefing schedule for a renewed new trial motion and then decide the new trial motion on its merits. If the renewed new trial motion is denied, the judgment shall be reinstated. O'Rourke, J.; We Concur: Huffman, Acting P.J., Irion, J.

**D050509      Lane v. Superior Court of San Diego County/People**

The petition is denied.

**D049675      Wawanesa General Insurance Company v. Superior Court of San Diego County/Aimaq**

Petition for writ of mandate granted. This court issues a writ of mandate directing the superior court to vacate its order overruling Wawanesa's demurrer and enter a new order sustaining the demurrer. The parties to bear their own costs in the writ proceeding. The stay issued on November 3, 2006 is vacated. Haller, J.; I Concur: McDonald, J.; I respectfully dissent [by opinion]: Nares, Acting P.J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 14, 2007 (Continued)

**D049831      Interinsurance Exchange of the Automobile Club v. Superior Court of San Diego County/Montpetit**

Petition for writ of mandate granted. This court issues a writ of mandate directing the superior court to vacate its order overruling Interinsurance Exchange's demurrer and enter a new order sustaining the demurrer. The parties to bear their own costs in the writ proceeding. The stay issued on November 29, 2006 is vacated. Haller, J.: I Concur: McDonald, J.; I respectfully dissent [by opinion]: Nares, Acting P.J.

**D049446      Allstate Indemnity Company v. Superior Court of San Diego County/Collins**

Petition for writ of mandate granted. This court issues a writ of mandate directing the superior court to vacate its order overruling Allstate Indemnity's demurrer and enter a new order sustaining the demurrer. The parties to bear their own costs in the writ proceeding. The stay issued on November 3, 2006 is vacated. Haller, J.; I Concur: McDonald, J.; I respectfully dissent [by opinion]: Nares, Acting P.J.

**D050227      In re Ashley L. et al., Juveniles**

The judgments and order are affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., Irion, J.

Court convened at 9:00 a.m.

Present: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion  
Clerk: D. Moore

**D047856      Realmuto v. Ross Provence and Associates**

Cause called on merits. Peter Realmuto, argued for appellant in pro per. Judith Hartwig, Esq. argued for respondent. Mr. Realmuto replied. Cause submitted.

Court recessed at 9:20 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justice Alex McDonald and Terry O'Rourke

**D047445      Nunez v. Alaniz et al.**

Cause called on merits. George P. Andreos, Esq. argued for appellant. Kimberly S. Oberrecht, Esq. argued for respondent. Mr. Andreos replied. Cause submitted.

Court recessed at 9:50 a.m. until 1:30 p.m.



COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 14, 2007 (Continued)

Court reconvened at 1:30 p.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke  
Clerk: D. Moore

**D046982      People v. Penaranda**

Cause called on merits. Robert S. Gerstein, Esq. argued for appellant. Jared de Jong, Certified Legal Intern, argued for respondent. Mr. Gerstein replied. Cause submitted.

Court recessed at 2:20 p.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

**D046982      Jameson v. Desta**

Cause called on merits. Barry S. Jameson, argued for appellant in pro per. Allison A. Arabian, Esq. argued for respondent. Mr. Jameson replied. Cause submitted.

Court recessed at 2:55 p.m. until Friday, June 15, 2007 at 9:00 a.m.

**D048175      People v. Westbrook**

The judgment is affirmed. CERTIFIED FOR PARTIAL PUBLICATION. Aaron, J.;  
We Concur: Benke, Acting P.J., Huffman, J.

**D050367      In re Rogers on Habeas Corpus**

The petition is denied.

**D049430      21st Century Insurance Company v. Superior Court of San Diego  
County/Quintana**

Petition for writ of mandate granted. This court issues a writ directing the superior court to vacate its order overruling 21st Century's demurrer and enter a new order sustaining the demurrer. The parties to bear own costs in the writ proceeding. The stay issued on November 3, 2006 is vacated. Haller, J.; I Concur: McDonald, J., I respectfully dissent from the majority's opinion. Nares, Acting P.J.

**D050366      In re Purata on Habeas Corpus**

The petition is denied.

**D050856      In re Lane on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 14, 2007 (Continued)

**D046844      People v. Pratt**

The judgment is reversed as to count 2. The judgment is affirmed in all other respects. Aaron, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D047921      Goettsch v. El Capitan Stadium Association, Inc.**

The judgment is reversed. Aaron, J.; We Concur: McConnell, P.J., Huffman, J.

**D051054      City of San Diego v. Superior Court of San Diego County/Palmer**

The petition is denied.

**D050241      In re Anthony G., a Juvenile**

Judgment affirmed. Benke, Acting P.J.; We Concur: Nares, J., Haller, J.

**D050518      In re Hill on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 15, 2007

**D048189      Expansion Pointe Properties Limited Partnership v. Procopio, Cory, Hargreaves & Savitch, LLP et al.**

The judgment is affirmed. Procopio is entitled to costs on appeal. CERTIFIED FOR PUBLICATION. McConnell, P.J.; We Concur: Benke, J., McIntyre, J.

**D050839      Graciela H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Graciela H. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.

**D050840      Ramona N. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Ramona N. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.

**D050903      Jenny C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Jenny C. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.

**D050812      James B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner James B. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed. The case is DISMISSED.

**D048320      In re the Marriage of Bidwell**

The judgment is affirmed. Gregory Bidwell is awarded costs on appeal. O'Rourke, J.; We Concur: Huffman, Acting P.J., Irion, J.

**D048026      Hidden Valley Ranch et al. v. Ramona Municipal Water District**

The judgment is affirmed. The Ramona Municipal Water District is awarded costs on appeal. O'Rourke, J.; We Concur: McDonald, Acting P.J., Aaron, J.

Court convened at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 15, 2007 (Continued)

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices James McIntyre and Terry O'Rourke  
Clerk: D. Moore

**D048540      Hildebrand v. Department of Motor Vehicles**

Cause called on merits. William Darrell Holman, Esq. argued for appellant. Michael J. Early, Deputy Attorney General argued for respondent. Mr. Holman replied. Cause submitted.

**D048402      Ray v. San Diego State University et al.**

Cause called on merits. Lea Peer, Esq. argued for appellant. Sandra L. McDonough, Esq. argued for respondent. Ms. Peer replied. Cause submitted.

Court recessed at 9:25 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Alex McDonald

**D048479      Dorsett v. Experience Hendrix, LLC.**

Cause called on merits. Michael Paul Guta, Esq. argued for appellant. Patricia Custer, Esq. argued for respondent. Mr. Guta replied. Cause submitted.

Court adjourned at 9:58 a.m.

**D050101      In re Anthony H., a Juvenile**

The order is affirmed. Nares, J.; We Concur: Benke, Acting P.J., Aaron, J.

**D047340      People v. Gonzalez**

The judgment of the trial court is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D048969      Pimentel et al. v. Pacific Specialty Insurance Company**

Appellants' petitions for rehearing are denied.

**D050517      In re Fields on Habeas Corpus**

The petition is denied.